

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THE MONTAGUE COMPANY, a  
California Corporation,

Plaintiff,

vs.

HECTOR DELGADILLO, an individual;  
ROBERTA DELGADILLO, an individual;  
TURBO COIL REFRIGERATION  
SYSTEMS INC., a California Corporation;  
TURBO COIL INC., a California  
Corporation; TC REFRIGERATION  
SYSTEMS, INC., a California  
Corporation; RAPID KOOL INC., a  
California Corporation; RAPID KOOL  
COIL INC., a California Corporation;  
TURBO COIL MANUFACTURING INC.,  
a California Corporation; INFINITY AIR  
CONDITIONING & ELECTRICAL, INC,  
a California Corporation; INFINITY AIR  
CONDITIONING LLC, a California  
limited liability company; and DOES 1  
through 25, inclusive,

Defendants.

Case No. 1:20-cv-00891-NONE-JDP

**STIPULATION AND ORDER TO  
TRANSFER VENUE**

ECF No. 10

Come now the parties, by and through their counsel, and stipulate as follows concerning a  
stipulated transfer of venue of the instant action:

1 WHEREAS Plaintiff The Montague Company on May 14, 2020 filed a complaint against  
2 the same parties with virtually identical claims in the Northern District of California entitled *The*  
3 *Montague Company v. Hector Delgadillo et al.*, Case No. 5:19-cv-08183-SI (“Northern District  
4 Action”);

5 WHEREAS Plaintiff determined to not pursue its patent claim alleged but to voluntarily  
6 dismiss without prejudice the Northern District Action and timely refile in state court in Alameda  
7 County Superior Court under 28 U.S.C. Section 1367(d);

8 WHEREAS due to obstacles imposed by Covid-19 in attempting to refile in Alameda  
9 County, it was necessary for Plaintiff to file in Stanislaus County so as to effect timely refiling;

10 WHEREAS Defendants sought removal of the Stanislaus County action to the Eastern  
11 District of California on June 29, 2020 based on federal question, and the action was removed;  
12 and

13 WHEREAS the parties agree that the parties, witnesses and evidence are found in the  
14 Northern District of California, and that that there are no parties or known witnesses or evidence  
15 found in the Eastern District relevant to this action in the Eastern District (“Action”).

16 Now, therefore, the parties stipulate by and through their counsel, and agree to the entry of  
17 an Order transferring this Action from the Eastern District of California to the San Francisco  
18 division of the Northern District of California for the convenience of parties and witnesses  
19 pursuant to 28 U.S.C. Section 1404(b), and the parties request an order directing the Clerk of this  
20 Court of the Eastern District of California to forward the filings in this Action to the Clerk of the  
21 Court of the Northern District of California, notifying the Clerk that the Action is virtually  
22 identical to the previously-filed Northern District Action, *The Montague Company v. Hector*  
23 *Delgadillo et al.*, Case No. 5:19-cv-08183-SI, and with each party bearing its costs and attorneys’  
24 fees in connection with this transfer of venue.

25  
26 It is so stipulated.  
27  
28

1 Dated: August 27, 2020

LAW OFFICES OF LAWRENCE G.  
TOWNSEND

2  
3 *s/Lawrence G. Townsend*

4 Lawrence G. Townsend  
Attorney for Defendants  
5 HECTOR DELGADILLO, ROBERTA  
DELGADILLO, TURBO COIL  
6 REFRIGERATION SYSTEMS INC., TURBO  
COIL INC., RAPID KOOL COIL, INC., TC  
7 REFRIGERATION SYSTEMS, INC.,  
TURBO COIL MANUFACTURING INC.,  
8 INFINITY AIR CONDITIONING &  
ELECTRICAL, INC., INFINITY AIR  
9 CONDITIONING LLC  
10

11 Dated: August 27, 2020

LAW OFFICES OF BRUNN & FLYNN

12 *s/Mahanvir Sahota*

13 Mahanvir Sahota  
14 Attorneys for Plaintiff,  
THE MONTAGUE COMPANY  
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**ORDER**

The court, having reviewed and considered the stipulated transfer of this Action, does hereby order that this action be transferred from the United States District Court for the Eastern District of California to the United States District Court for the Northern District, San Francisco Division, where a virtually identical action, *The Montague Company v. Hector Delgadillo et al.*, Case No. 5:19-cv-08183-SI, was previously filed and dismissed. Each party shall bear its own costs and fees relating to the transfer. The court further orders the clerk for the United States District Court for the Eastern District Court of California to forward all filings in this action To the clerk for the United States District Court for the Northern District, San Francisco Division.

IT IS SO ORDERED.

Dated: August 27, 2020

  
UNITED STATES MAGISTRATE JUDGE

No. 204.